

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DENISE KAY BOUGHNER,

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

) **CASE NO. 4:16-cv-01858-DAP**
)
) **JUDGE DAN AARON POLSTER**
)
) **ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)
)
)
)

Before the Court is the Report and Recommendation of Magistrate Judge Thomas M. Parker (“R & R”), Doc #. 17, which recommends that the Court affirm the Commissioner’s final decision. The R & R was filed on May 22, 2017. It is now June 9, and no objections to the R & R have been filed.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to timely file written objections to a Magistrate Judge’s R & R

constitutes a waiver of the right to obtain a *de novo* review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the time for objection has passed and no objections have been filed. Nonetheless, the Court has reviewed the magistrate judge’s thorough R & R. The Court agrees with the Magistrate Judge that the ALJ did not err in considering and weighing the medical evidence submitted in this case, determining Boughner’s RFC, or forming hypothetical questions to the VE. Consequently, the Court agrees with the Magistrate Judge that the Commissioner’s final decisions should be affirmed.

Accordingly, the Court ADOPTS the R & R, Doc. # 17, in full and DISMISSES the above-captioned case.

IT IS SO ORDERED.

/s/ Dan A. Polster June 9, 2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

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) **JUDGMENT ENTRY**
)
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For the reasons stated in the Order Adopting Report and Recommendation filed contemporaneously with this Judgment Entry, and pursuant to Federal Rule of Civil Procedure 58, it is hereby ORDERED, ADJUDGED, AND DECREED that the above-captioned case is hereby terminated as final.

/s/ Dan A. Polster June 9, 2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE